



Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Public Assistance Bureau (PAB)
Ombudsman Building, Agham Road, 1104 Diliman

REPORT ON THE STUDY TOUR OF SOUTH KOREA **(ACRC)**

(November 29 to December 5, 2009)

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This is an opportune time to thank all the organizers, the Anti-Corruption and Civil Rights Commission (ACRC) of South Korea, the Association of Asian Ombudsman (AOA), the Asian Development Fund (ADB) for its financial support, and most especially the Honorable Ombudsman of the Philippines Ma. Merceditas N. Gutierrez and Assistant Ombudsman Evelyn A. Baliton, of the Public Assistance and Corruption Prevention Office, also from the Office of the Ombudsman of the Philippines, who made my study tour to South Korea from November 29 to December 5, 2009 possible thereby enhancing my knowledge in the use of Information and Communication Technology (ICT) in preventing, if not totally eradicating corruption worldwide, and the application of the Alternative Dispute Resolution (ADR) process in resolving conflicts for an efficient complaint handling, management and results. It also gives me an opportunity to gain insights, opinions, experiences, and best practices in each of the participants' ombudsman office - in Hongkong, Thailand, Japan, Pakistan and Korea vis-a-vis the Philippine Ombudsman.

It has been my overall impression that in all countries, institutional system of combating corruption has to be properly addressed. There should have been proper coordination, cooperation, understanding and support of countries towards one goal, i.e., in fighting the widespread menace of corruption.

The ICT system in South Korea, which they referred to as the "*e-people*", is very impressive in the sense that in only one click of a finger, the complainants' concerns had all been acted upon and referred to its appropriate agencies/ministries. This only shows that there is a proper linkage and coordination from among South Korea's different agencies/ministries. The ICT system likewise proved to be an effective tool in monitoring compliance of these ministries/agencies and that duplications or recurring complaints, questions or items were easily detected which gave the ACRC a signal that it has to give its focus on the same. Information concerning similar matters were posted enabling complainants with similar complaints solve their own complaints.

The call center, 110 and 120 also proved to be very useful in handling complaints and grievances. In the same manner, I was also impressed by the booths and facilities where petitioners were given advice/counseling regarding their problems. The rating system in Seoul Metropolitan City or the Citizen's Audit Ombudsman is also a tool to effectively monitor the ombudsman office and its personnel's performance.

While in ACRC, mediation is somewhat similar to arbitration, it again played a very important role in resolving conflicts fairly and promptly. There is no question that the ADR system not only lessened litigation but also minimized personal grudge from among the adversaries by settling their concerns amicably. In the example given during one of the lectures, even actions which had already legally prescribed were given favorable action upon recommendation of the ACRC. Observably, the recommendations of the Ombudsmen and the ACRC most of the times, had been respected and are very persuasive. They too are very compassionate and not legalistic.

The Legal Aid System, which helped those in need of the legal assistance also is a much-sought service provided by the Korea Legal Aid Corporation (KLAC).

In sum, what really amazed me is the "*e-people*" where all complaints were seemed to be acted immediately and without any delay. This showed that proper coordination and cooperation exists from among the agencies/ministries in South Korea which as a result helped a lot in getting petitioner's satisfaction. Complainants get positive actions from the e-people without need of waiting too much time when their petitions could be acted upon.

While the South Korea Study Tour is a success, it may be better to consider that the participants should be given a chance to present their own Ombudsman Office, how it was created, its vision, mission, functions, and other important features should be discussed to give the participant an opportunity to compare each office. In addition, its current practice, as in mediation, should be taken into account. In this case, it is believed that this would be more effective in the learning process of each participant such that they could readily see whether there is a need to improve what they already practice in their office/agency.

There is a great similarity in the Philippine Ombudsman as that of the South Korea, Thailand, Hongkong, Pakistan and Japan. However, it is my view that the Philippine Ombudsman is more powerful in the sense that it has not only the public assistance, community coordination, research and special studies function but also the prosecutory and administrative adjudication function. Other Ombudsmen offices only have the public assistance function but do not have the prosecutory and quasi-judicial functions, such that, theirs is only recommendatory.

The Philippine Office of the Ombudsman, to date, has established the Multi-Sectoral Anti-corruption Council (MSACC) which is composed of different government agencies – the legislative, executive and the judiciary, the constitutional offices, the youth, the interfaith, the civil society groups, the business sector, the media, and the

professional groups, among others. Its aim is to converge all efforts of these bodies towards fighting corruption in one direction. It also in its initial stage of implementation the whistleblowing principles but sad to say, it lacks the funds to properly address and protect the whistleblowers. Its public assistance function, though effective, needs to be at par with that of the “*e-people*” of South Korea. There is a great need of having ICT interconnectivity in order that offices/agencies can easily refer matters of their concern and readily inform the petitioner of their actions on their complaints/petitions. Though there is an existing hotline system for the “*Text Katiwalian*” project as well as the “*Lifestyle Check*” and an existing OMB website, these systems are not as highly technical as that of the South Korea. At present, for the Philippine Ombudsman to achieve proper coordination and monitoring, have yet to create a link between our area and sectoral offices in the Visayas, Mindanao, Luzon and the Military and Other Law Enforcement Offices.

While it may be a gargantuan task for the office of the Philippine Ombudsman to replicate the present ICT System of South Korea, first of its plan of action is to have an interconnectivity of its area and sectoral offices in order that complaint and case monitoring system (CCMS) can be able to:

- a. maintain a centralized database on complaints and cases
- b. keep track of the status of cases from filing of complaint until dismissal/final and executory
- c. generate timely and updated reports.

Initial plans is to have an ICT interconnectivity in the OMB Central Office, Luzon, and the MOLEO. Maybe later, in its area offices in the Visayas and Mindanao.

Also, it has yet to enhance its Mediation Unit which is barely a year in its existence, by adding more competent people to man the unit and by training its personnel on the mediation process to further enhance their skills.



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The Korean Experience - Study Tour in South Korea

(November 30 to December 4, 2009)

The first study tour project of the Asian Ombudsman Association (AOA) together with the technical assistance from the Asian Development Bank (ADB), held in Seoul, South Korea from November 30 to December 4, 2009, was indeed a success. The participants of the said study tour came from the different Ombudsman offices – one each from Pakistan, Thailand, Hongkong, Japan and the Philippines. It was hosted by the Anti-Corruption and Civil Rights Commission (ACRC) in South Korea.

The study tour has selected topics that could be of best interest to the participants including but not limited to learning basic Korean language, Korea's complaints handling system and the role of the ombudsman, the application of the alternative mode in resolving conflicts i.e., mediation, receiving and dealing complaints on line which they popularly termed as the "e-people", Korea's legal aid system, and citizen's audit to serve as feedback mechanisms in the performance of the ombudsman's functions, among others - considered as the best practices in South Korea which could be adopted in the participant's countries.

It was the "e-people" or the on-line receiving and dealing with complaints and discussion portal that fascinated almost all of the participants. Under this procedure, complaints and petitions could be done through the use of the web. Petitioners who availed of the services of the e-people were catered by the receiving personnel at once either by referring their complaints, also by using the web, to the concerned offices/ministries who in turn were given time limits to make their response or by directly giving outright response/advise to these petitioners on line. Petitioners were not only readily informed of the actions taken on their complaint but also through the web, they can easily see if their concerns were previously addressed. In other words, recurring items or complaints were summarized thereby enabling the petitioners solve their own similar problems. Additionally, repetitive items or complaints could also serve as a signal for the ACRC to give its focus on the same and to make its recommendations to the proper authorities so as to prevent, if not to completely eradicate, the same repetitive problems.

This practice of receiving complaints on-line is believed to be the best practice that could be adopted by each ombudsman office. However, for the Philippines, we have yet to enhance our inter-connectivity with our area and sectoral offices and thereafter,

with the different agencies of the government so as to better serve the complainants/petitioners.

Worthy to note are some exciting parts of the study tour such as tasting different popular Korean dishes, a short tour to Korean past: the Bukchon – Unhyeongung Palace Course where the participants have a very long walk from the said palace to the typical Korean old houses within the city. With the rolling roads around and with the cold winter climate, one could imagine how hard the activity could be for the participants. Thanks to Mr. Woo-Chul Lee, focal person for the study tour, who bought some rice cakes for them.

Indeed, the study tour was both a learning and an enjoyable experience where in the end, the best practices at hand could be used to better serve the petitioners thereby preventing, if not totally eliminating the prevalence of corruption in the bureaucracy/country.

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